

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNIVERSITY OF CINCINNATI CHAPTER OF
YOUNG AMERICANS FOR LIBERTY, *et al.*,

Case No. 1:12-cv-155

Plaintiffs

Judge Timothy S. Black

v.

GREGORY WILLIAMS, *et al.*,

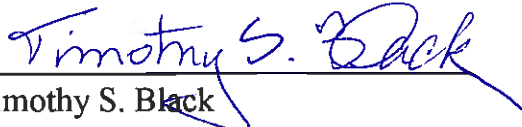
Defendants.

ORDER

On June 12, 2012, the Court issued an order granting Plaintiffs' Motion for a Preliminary Injunction. (*See* Doc. 65). Fed. R. Civ. P. 65(c) requires that a preliminary injunction issue "only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." The Sixth Circuit, however, has left the decision of whether require security within the sound discretion of the district court. *Moltan Co. v. Ealge-Picher Indus., Inc.*, 55 F.3d 1171, 1176 (6th Cir. 1995) ("While we recognize that the language of Rule 65(c) appears to be mandatory, and that many circuits have so interpreted it, the rule in our circuit has long been that the district court possesses discretion on whether to require the posting of security."). Waiver of the bond requirement is particularly appropriate when plaintiff alleges the infringement of a fundamental constitutional right. *See Complete Angler LLC v. City of Clearwater, Fla.*, 607 F. Supp. 2d 1326, 1335 (M.D. Fla. 2009); *Doctor John's, Inc. v. City of Sioux City, Iowa*, 305 F. Supp. 2d 1022, 1043-44 (N.D. Iowa 2004). Because Plaintiffs allege a violation of a First Amendment right, the Court concludes that no bond is appropriate in this case.

IT IS SO ORDERED.

Date: 6/27/12


Timothy S. Black
United States District Judge